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Attorney Docket No. T9105.C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Marie K. Walsh et al. )  
TITLE: TEXTURED WHEY PRODUCT )  
AND METHOD )  
SERIAL NO.: 10/644,604 )  
FILED: August 19, 2003 ) INFORMATION DISCLOSURE  
EXAMINER \_\_\_\_\_ ) STATEMENT UNDER 37 C.F.R.  
ART UNIT: \_\_\_\_\_ ) § 1.97  
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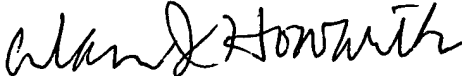
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449, which contains a list of patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully invokes the Patent Office's obligation under 37 C.F.R. § 1.97 to consider these references and make them of record in the

Certificate of Deposit Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 13<sup>th</sup> day of November, 2003.

  
Alan J. Howarth  
Attorney Registration No. 36,553

above-captioned application. While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously cited by or submitted to the Office, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference (or relevant portion thereof) that was not previously submitted to, or cited by, the Patent Office is also enclosed.

Statement of Relevance of References Listed  
Unaccompanied by English Translation  
Under 37 C.F.R. § 1.98(a)(3)

Since all listed references are either in the English language or are accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

Statement of References Previously Disclosed  
Under 37 C.F.R. § 1.98(d)

The references listed on the enclosed Form PTO-1449 are not required to be provided under 37 C.F.R. § 1.98(d), and are therefore not enclosed, because they were previously cited by or submitted to the Office in application number 09/596,191, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0836.

DATED this 13<sup>th</sup> day of November, 2003.

Respectfully submitted,



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PTO-144

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. T9105.C

SERIAL NO. 10/644,604

## LIST OF PRIOR ART CITED BY APPLICANT

APPLICANT: Marie K. Walsh and Charles E. Carpenter

FILING DATE:

August 19, 2003

GROUP

## U.S. PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,773,057	June30, 1998	Singh			
	AB	4,338,340	July 6, 1982	Morimoto et al.			
	AC	4,251,567	February 17, 1981	Ohyabu et al.			
	AD	4,239,784	December 16, 1980	Guiraud et al			
	AE	4,209,534	June 24, 1980	Poznański			
	AF	4,168,322	September 18, 1979	Buckley et al.			
	AG	4,165,392	August 21, 1979	Kawai et al.			
	AH	4,031,267	June 21, 1977	Berry et al.			
	AI	3,917,876	November 4, 1975	Harwood et al.			
	AJ	3,843,816	October 22, 1974	Touba			
	AK						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AL	GB2120518	Dec. 7, 1983	Great Britain			
	AM						
	AN						
	AO						
	AP						

## OTHER PRIOR ART (Including Author, Title, Volume and/or Name of Publication, Relevant Pages and Date [as available])

	AR		
	AS		
	AT		

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.